

**THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS (SPRINGFIELD)**

**MARY OBERTHER**, on behalf of  
herself and all others similarly  
situated,

Plaintiff,

v.

**MIDLAND CREDIT MANAGEMENT,  
INC.,**

Defendant.

**Civil Action No.**

**3:14-cv-30014**

**CERTIFICATION OF ANDREW M.  
SCHWARTZ REGARDING CY PRES  
DISTRIBUTION AND ACCOUNTING**

I, Andrew M. Schwartz, counsel for Defendant, Midland Credit Management, Inc., hereby certifies:

1. One thousand and forty (1,040) settlement checks were mailed out to the claiming settlement class members on August 15, 2016, with a sixty (60) day void date for cashing the checks.
2. Per the terms of the Settlement Agreement, claiming settlement class members were entitled to a *pro rata* recovery from the class fund.
3. On October 14, 2016, per the terms of the Settlement Agreement, the checks became void.
4. After the void date of October 14, 2016, one thousand and one (1,001) checks were cashed and thirty-nine (39) checks were not cashed.
5. Because thirty-nine (39) settlement checks were not cashed by the void date, \$3,753.85 remained in the class fund.<sup>1</sup>
6. Per the terms of the Settlement Agreement, Defendant, Midland Credit Management, Inc., through the Settlement Administrator, was required to distribute the remainder of the class fund to the *cy pres* recipient within thirty (30) days after the void date of October 14, 2016.
7. The *cy pres* recipient is Jump\$tart Coalition for Personal Financial Literacy, Massachusetts Coalition, 260 Franklin Street, 7th Floor Boston, MA 02110.

<sup>1</sup> With the consent of Midland Credit Management, Inc., the Settlement Administrator honored checks cashed *after* the void date for a period of seven (7) days – October 21, 2016, to account for any delays in check processing.

8. On October 27, 2016, the Settlement Administrator confirmed that a check, in the amount of \$3,753.85, was mailed to the *cy pres* recipient by UPS 2<sup>nd</sup> Day Air:

Jump\$tart Coalition for Personal Financial Literacy,  
Massachusetts Coalition  
Attn: Lawrence Glazer  
260 Franklin Street, 7th Floor  
Boston, MA 02110

9. Receipt of the *cy pres* check by Jump\$tart Coalition for Personal Financial Literacy, Massachusetts Coalition was confirmed by certifying counsel.

The parties have fulfilled all obligations required in conjunction with the class settlement of this matter.

So certified,

Respectfully submitted,

**MARSHALL DENNEHEY WARNER  
COLEMAN & GOGGIN, P.C.**

By: (s) Andrew M. Schwartz  
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